

THOMAS W. FERRELL, ESQ. (Bar No. 115605)  
 tferrell@higglaw.com  
 CHARLES F. REIDELBACH, JR., ESQ.  
 (Bar No. 167482)  
 reidelbach@higglaw.com  
 HIGGS, FLETCHER & MACK LLP  
 401 West "A" Street, Suite 2600  
 San Diego, CA 92101-7913  
 TEL: 619.236.1551  
 FAX: 619.696.1410

MARK G. KACHIGIAN (OK Bar No. 4852)  
 mkachigian@hjkllaw.com  
 CASSANDRA L. WILKINSON  
 (OK Bar No. 20368)  
 cwilkinson@hjkllaw.com  
 HEAD, JOHNSON & KACHIGIAN, P.C.  
 228 West 17th Place  
 Tulsa, Oklahoma 74119  
 TEL: 918.587.2000  
 FAX: 918.584.1718

Attorneys for Defendants  
 Global Machinery Company,  
 GMCA Pty. Ltd., and Trapone Corporation Pty. Ltd.

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

JENS ERIK SORENSEN, as Trustee of  
 SORENSEN RESEARCH AND  
 DEVELOPMENT TRUST,  
  
 Plaintiff,

v.

GLOBAL MACHINERY COMPANY, an  
 Australian company; GMCA PTY. LTD., an  
 Australian company; TRAPONE  
 CORPORATION PTY. LTD., an Australian  
 company; and DOES 1-100,  
  
 Defendants.

CASE NO. 08 CV 0233

**NOTICE OF MOTION AND MOTION  
 FOR STAY PENDING PATENT  
 REEXAMINATION**

DATE: \*\*  
 TIME: \*\*  
 Courtroom 15, 5<sup>th</sup> Floor  
 Hon. Barry Ted Moskowitz

No Oral Argument Unless  
 Requested by the Court

Memorandum of Points and  
 Authorities in Support of Motion for  
 Stay Pending Patent Reexamination  
 filed concurrently herewith

Defendants Global Machinery Company, GMCA Pty. Ltd., and Trapone Corporation Pty.  
 Ltd. ("Defendants") hereby move the Court to stay all proceedings in the present action pending  
 the reexamination of U.S. Patent Number 4,935,184 (the "184 patent") by the United States

1 Patent and Trademark Office ("USPTO"). In support of their Motion, Defendants state as  
2 follows:

3 1. Plaintiff Jens Erik Sorensen, as Trustee of Sorensen Research and Development Trust  
4 ("Plaintiff") filed the present action against Defendants on February 5, 2008, alleging  
5 infringement of the '184 patent.

6 2. The '184 patent is currently the subject of two reexamination proceedings before the  
7 USPTO: reexamination application number 90/008,976 and reexamination application number  
8 90/008,775.

9 3. Many issues in this case may be clarified, simplified, and determined by the pending  
10 reexamination proceedings. A reexamination proceeding is an administrative proceeding of the  
11 USPTO. As such, the pending reexamination proceedings allow the USPTO the opportunity to  
12 resolve validity issues concerning the '184 patent through established administrative procedures,  
13 thus sparing this Court the burden of determining difficult patent issues. The outcome of the  
14 reexamination proceedings bears directly on the validity, enforceability, and scope of the '184  
15 patent, which is the subject of the present action.

16 4. The present action is currently in a very early stage. The only pending deadline in the  
17 action is the answer date, and no discovery requests have yet been issued.

18 5. The '184 patent has expired. Therefore, injunctive relief is not available.

19 6. A stay of the present action pending resolution of the pending reexamination applications  
20 by the USPTO is appropriate because the reexamination prosecution will likely result in a  
21 simplification of the issues to be considered by this Court. Thus, the interests of judicial  
22 economy weigh in favor of granting a stay.

23 7. Good cause exists for granting this Motion and a stay of this action will unduly prejudice  
24 no party.

25 Further background, arguments, and authorities in support of this Motion may be found in  
26 the Memorandum of Points and Authorities in Support of Motion for Stay Pending Patent  
27 Reexamination, filed contemporaneously herewith. For the reasons explained above and therein,  
28 ///

1 Defendants respectfully request that the Court stay Case No. 08 CV 233 until the United States  
2 Patent and Trademark Office completes its reexaminations of the '516 patent.

3  
4 DATED: March 17, 2008

HIGGS, FLETCHER & MACK LLP

5  
6 By: 

THOMAS W. FERRELL, ESQ.  
CHARLES F. REIDELBACH, JR., ESQ.  
Attorneys for Defendants  
Global Machinery Company,  
GMCA Pty. Ltd., and Trapone Corporation  
Pty. Ltd.

7  
8  
9  
10 DATED: March \_\_\_\_\_, 2008

HEAD, JOHNSON & KACHIGIAN, P.C.

11  
12 By: \_\_\_\_\_

MARK G. KACHIGIAN  
Attorneys for Defendants  
Global Machinery Company,  
GMCA Pty. Ltd., and Trapone Corporation  
Pty. Ltd.